

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

Christopher Edward Lewallen,

Plaintiff,

v.

Timothy McCarley, James Ruff, Chad  
McBride, David Stipe, Deputy Brewer, Elisha  
Barrs, Monica Grier, Rachel Stoner, Stephen  
Patlewicz, Anmed Hospital, and the County of  
Anderson,

Defendants.

C/A No.: 8:21-1171-SAL

**ORDER**

This matter is before the court for review of the July 7, 2022 Report and Recommendation (the “Report”) of United States Magistrate Judge Molly H. Cherry, made in accordance with 28 U.S.C. § 636(b)(1)(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 155.] In the Report, the Magistrate Judge recommends denying Plaintiff’s motion for summary judgment, granting Defendants’ motions for summary judgment on Plaintiff’s 42 U.S.C. § 1983 claims, and declining to exercise supplemental jurisdiction over Plaintiff’s state law claims. *Id.* at 29. Attached to the Report is a notice advising the parties of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. *Id.* at 30. The court granted the parties a fourteen-day extension of time, until August 4, 2022 to file objections to the Report. *See* [ECF No. 156.] The parties have not filed objections, and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a

*de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 155, and incorporates the Report by reference herein. Accordingly, the motions for summary judgment filed by the Detention Center Defendants, ECF No. 132, the Medical Defendants, ECF No. 115, Defendant Grier, ECF Nos. 112 and 121, and Defendant Stoner, ECF No. 134, are **GRANTED in part** on Plaintiff’s claims under 42 U.S.C. § 1983, such that all of Plaintiff’s claims pursuant to 42 U.S.C. § 1983 are **DISMISSED** with prejudice. Further, Plaintiff’s motion for summary judgement, ECF No. 124, is **DENIED**, and the court declines to exercise supplemental jurisdiction over Plaintiff’s state law claims, such that all state law claims are **DISMISSED** without prejudice. As a result, this case is **DISMISSED** in its entirety.

**IT IS SO ORDERED.**

August 8, 2022  
Columbia, South Carolina

/s/Sherri A. Lydon  
Sherri A. Lydon  
United States District Judge